

HOUSE BILL 3059

By Lundberg

AN ACT to amend Tennessee Code Annotated, Title 55,  
Chapter 10, Part 4, relative to driving under the  
influence.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-416, is amended by deleting  
the section in its entirety and substituting instead the following:

Section 55-10-416.

(a) As used in this section:

(1) "Alcoholic beverage" means liquor, wine, or beer;

(2) "Driving" means operating or being in physical control of a  
vehicle;

(3) "Imprisonment" means confinement in a jail, minimum-security  
facility, community corrections facility, house arrest with electronic  
monitoring, inpatient rehabilitation or treatment center, or other facility,  
provided, the individual under confinement is in fact being detained;

(4) "Open alcoholic beverage container" means any bottle, can, or  
other receptacle that contains any amount of alcoholic beverage, and that  
is open, has a broken seal, or the contents of which are partially removed;  
and

(5) "Passenger area" means the area designed to seat the driver  
and passengers while the motor vehicle is in operation and any area that  
is readily accessible to the driver or passengers while in their seating  
positions, including, but not limited to, the glove compartment.

(b) It is an offense for a person to consume an alcoholic beverage while driving a vehicle on a public highway.

(c)

(1) Except as otherwise provided in subdivision (c)(2), it is an offense for a person to possess an open container of an alcoholic beverage within the passenger area of a motor vehicle while the motor vehicle is on a public highway.

(2) Subdivision (c)(1) does not apply to a motor vehicle being used primarily for the transportation of persons for compensation or to the living quarters of a house coach, house trailer, or recreational vehicle, nor does it apply to a vehicle operated by a chauffeur in such chauffeur's for-hire capacity.

(d)

(1) A violation of subsection (b) is a Class B misdemeanor.

(2) A violation of subsection (c) is a Class C misdemeanor.

SECTION 2. This act shall take effect July 1, 2008, the public welfare requiring it.